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## Request for Continued Examination (RCE) Transmittal

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P.O. Box 1450  
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Application Number	10/615,196
Filing Date	July 7, 2003
First Named Inventor	Brian E. Dalton
Art Unit	3731
Examiner Name	Daniel J. Davis
Attorney Docket No.	BBM-115US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed un-entered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed un-entered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
  - i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.
  - ii.  Other \_\_\_\_\_.
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_.

2. **Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b.  Other \_\_\_\_\_.

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 18-0350. I have enclosed a duplicate copy of this sheet.
  - i.  RCE fee required under 37 CFR 1.17(e).
  - ii.  Extension of Time fee (37 CFR 1.136 and 1.17).
  - iii.  Other \_\_\_\_\_.
- b.  Check in the amount of \$ \_\_\_\_\_ is enclosed.
- c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	<i>Ellen E. Fielitz</i>	Date	March 8, 2005
Name (Print/Type)	Ellen E. Fielitz	Registration No. (Attorney/Agent)	54,746

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Kimberly Hughes</i>	Date	March 8, 2005
Name (Print/Type)	Kimberly Hughes	Registration No. (Attorney/Agent)	54,746

This collection of information is required by 37 CFR 1.114. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**CERTIFICATE OF MAILING** (37 CFR 1.8)

Applicant(s): Brian E. Dalton

Docket No.

BBM-115US

Serial No.

10/615,196

Filing Date

July 7, 2003

Examiner

Daniel J. Davis

Group Art Unit

3731

Invention: SPINAL STABILIZATION IMPLANT AND METHOD OF APPLICATION

I hereby certify that the following correspondence:

Request for Continued Examination (RCE) and its enclosures

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Kimberly Hughes

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610-407-0700

*Telephone Number*

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